UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

No. 4:15-CR-6005-EFS-2

Plaintiff,

V.

FRANCISCO OCTAVIO MAGALLON CANO (2),

UNITED STATES OF AMERICA,

Defendant.

ORDER GRANTING USAO'S MOTION FOR DISCLOSURE AND MOTION FOR PROTECTIVE ORDER

Before the Court, without oral argument, are the United States Attorney's Office's (USAO) Motion for Disclosure to Defense Counsel But Not Unsealing, ECF No. 47, Motion for Protective Order, ECF No. 49, and two related motions to expedite, ECF Nos. 48 & 50. The USAO seeks permission to disclose certain sealed documents to defense counsel without unsealing the documents and to set parameters for the parties' reference to the existence and content of sealed documents. ECF No. 47. The USAO also seeks a protective order for discovery materials to protect any confidential informants referenced therein and the ongoing investigation. ECF No. 49. Because resolution of these motions is necessary to further discovery in this case, which is set for trial on May 18, 2015, the Court finds good cause to expedite consideration of these motions.

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The investigation that resulted in the Indictment in this case involved a number of warrants filed under seal with a magistrate ECF No. 47 at 2. Although these documents should remain iudae. sealed to the public to protect any confidential informants and to avoid jeopardizing an ongoing investigation, Defendant must have access to these documents to prepare his defense. Therefore, the Court finds good cause to grant the USAO's motion and order that the search warrants in case number 4:15-MJ-7022-JPH be disclosed to defense counsel but remain sealed to the public. The Court also finds good cause to grant the USAO's motion for a protective order related to the dissemination of discovery as set forth below. The parties are expected to be vigilant in protecting the identity of any confidential informants referenced in sealed documents.

## Accordingly, IT IS HEREBY ORDERED:

- 1. The USAO's motions to expedite, ECF Nos. 48 & 50, are GRANTED.
- 2. The USAO's motion for disclosure, ECF No. 47, is GRANTED.
- The USAO's motion for a protective order, ECF No. 49, is 3. GRANTED, and a protective order is entered, as follows:
  - Defense counsel may possess but A. not сору the discovery materials, including sealed except for the production of necessary working copies.
  - Defense counsel may show the discovery materials, B. including sealed documents, to Defendant and discuss the materials with him.

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Defense counsel shall not provide discovery materials directly to Defendant or to any other person, including subsequently appointed or retained defense counsel. This prohibition does not apply to staff of defense counsel or any investigator or expert engaged by defense counsel. Such staff, investigator, or expert will also be bound by the terms and conditions of this protective order, and defense counsel shall inform them of its requirements.

- D. Both parties are authorized to reference the existence of sealed discovery documents in open court and unsealed pleadings and the contents of sealed documents in closed court or in sealed pleadings.
- E. If the contents of sealed documents are referenced in a pleading, it must be filed under seal. No motion to seal is necessary.
- F. Either party may move the Court for relief from the requirements of this order if it becomes necessary during the course of the proceedings in this case.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel and to Magistrate Judge Hutton.

DATED this 3rd day of April 2015.

EDWARD F. SHEA

Senior United States District Judge

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